IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 88 (S/B) 2005

Satya Dev Sharma S/o Late Shiv Lal Sharma
R/o Village and Post Gujrara, Sahasrdhara Road
Dehradun .... Petitioner.

Versus

1- Union of India through Secretary
Environment, Forest & Wild Lift,
Lodhi Road, Paryavaran Bhavan,
New Delhi.

2- F.R.I New Forest, Dehradun
3- Central Administrative Tribunal
Allahabad Bench, Allahabad ... Respondents

Sri H.M. Bhatia, learned counsel for the petitioner.
Smt. Anjali Bhargava, Standing Counsel for Union of India.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 15-06-2006

This writ petition has been filed by the petitioner seeking a writ of certiorari to quash the order dated 18-6-1998 and 21-9-2004, contained in Annexure Nos. 2 and 3 to the writ petition respectively.

2- The petitioner retired on superannuation w.e.f. 30-6-1992 as an employee of Central Government. The petitioner was serving under the U.P. Government and thereafter went to serve in Oil and Natural Gas Commission. After his supernnuation the petitioner made a representation that the services rendered by him under the Government of U.P. and under the Oil and Natural Gas Commission, be counted for the purpose of computing his pension under the Central Civil Services (Pension) Rules 1972. The petitioner filed O.A. No.544/1994 before the Central Administrative Tribunal, Allahabad Circuit, which was disposed of with the direction to the competent authority to decide

the appeal/representation preferred by the petitioner by a speaking order. This O.A. was disposed of on 11.4.1994. By the order dated 18-6-1998 the Government of India, Ministry of Environment and Forest rejected the petitioner's claim for counting the services rendered by him under the Government of U.P. and O.N.G.C. for the pensionary purposes. Thereafter the petitioner filed O.A. No. 333/1999 which has been decided by the Central Administrative Tribunal, Allahabad, Circuit by the impugned judgment and order dated 21-9-2004, contained in Annexure No.3 to the writ petition. Since the O.A. No. 333/1999 has been partly allowed and the order dated 18-6-1998 has been set aside, therefore, the prayer to quash the order dated 18-6-1998, contained in Annexure No.2 to the writ petition, is misconceived and is hereby rejected.

3- So far as the challenge relating to the impugned judgment dated 21-9-2004, passed by the Central Administrative Tribunal in O.A. No. 333/1999 contained in Annexure No.3 is concerned, the Tribunal has considered all the Office Memorandums issued on the subject and has found that the Office Memorandums were not attracted for application in the facts and circumstances of the present case. However the Tribunal has allowed the O.A. partly on the ground that the decision has not been taken in accordance with the provisions of Rule-26 of the Central Civil Services (Pension) Rules, 1972 and has directed the authorities to decide the appeal of the petitioner afresh applying the provisions of Sub Rule(2) of Rule 26 of C.C.S. (Pension) Rules, 1972 and examine the facts of the case of the petitioner whether petitioner's past services could be counted for the purpose of computing the pension of the petitioner. Thus the Tribunal has given complete relief to the

petitioner. We have also examined the judgment of the Tribunal and we find no illegality or infirmity in the judgment, which may require any interference by this Court.

5- Therefore, we affirm the judgment dated 21.9.2004, of the Tribunal, contained in Annexure No.3 to the writ petition, and command the respondents to decide the appeal of the petitioner within a period of three months in accordance with the judgment of the Central Administrative Tribunal.

6- The petition is accordingly dismissed. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB